

REGIONAL CONDITIONS FOR THE NEW AND MODIFIED NATIONWIDE PERMITS IN ARKANSAS

NOTE: These conditions in no way impact the implementation of part 'a' of Nationwide Permit (NWP) 40. Unless otherwise specified, these conditions only apply to the new and modified Nationwide permits (NWP) as published in the March 9, 2000, Federal Register, (65 FR 12818-12899).

Corps Regional Conditions

General Condition:

For activities proposed in the following listed waters, the prospective permittee shall provide written notification to the appropriate District. Notification will be to the District Engineer according to *General Condition No. 13 (Federal Register, 65 FR 12894-12895)*.

- **Fens** - A peat-accumulating wetland that receives some drainage from surrounding mineral soil and usually supports marshlike vegetation.
- **Bogs** - A peat-accumulating wetland that has no significant inflows or outflows and supports acidophilic mosses, particularly sphagnum.
- **Groundwater seeps** - wetlands at the base of steep slopes where the groundwater surface intersects with the land surface.
- **Dune depressional wetlands** - wetlands in shallow depressions that have no significant outflows but receives runoff from the surrounding land, located between sandy ridges in northeast Arkansas and southeast Missouri. These wetlands often support pondberry (*Lindera melissifolia*), a federally-listed endangered plant.
- **CACHE RIVER and ADJACENT WETLANDS** from the mouth upstream to AR Highway 18 and in the waters listed below, the prospective permittee shall provide written notification to the appropriate District. Notification will be to the District Engineer according to *General Condition No. 13 (Federal Register, 65 FR 12894-12895)*. This notification shall be used to review the project for Federally listed threatened or endangered species and to determine if the project would have a minimal impact on the aquatic environment. The application will be coordinated with the Arkansas Department of Environmental Quality and other agencies as appropriate. This condition doesn't lessen the restrictions provided by General Condition 11 of the NWPs.

Nationwide Permit 3: Maintenance.

In the waters listed on page 4, the prospective permittee shall provide written notification to the appropriate District. Notification will be to the District Engineer according to *General Condition No. 13 (Federal Register, 65 FR 12894-12895)*. This notification shall be used to review the project for Federally listed threatened or endangered species and to determine if the project would have a minimal impact on the aquatic environment. The application will be coordinated

with the Arkansas Department of Environmental Quality and other agencies as appropriate. This condition doesn't lessen the restrictions provided by General Condition 11 of the NWP's.

Nationwide Permit 7: Outfall Structures and Maintenance.

Intake structures shall be constructed with screening to prevent the entry of fish.

Nationwide Permit 12: Utility Line Activities.

1. Intake structures shall be constructed with screening to prevent the entry of fish.
2. In the waters listed on page 4, the prospective permittee shall provide written notification to the appropriate District. Notification will be to the District Engineer according to *General Condition No. 13 (Federal Register, 65 FR 12894-12895)*. This notification shall be used to review the project for Federally listed threatened or endangered species and to determine if the project would have a minimal impact on the aquatic environment. The application will be coordinated with the Arkansas Department of Environmental Quality and other agencies as appropriate. This condition doesn't lessen the restrictions provided by General Condition 11 of the NWP's.

Nationwide Permit 14: Linear Transportation Crossings.

1. In the waters listed on page 4, the prospective permittee shall provide written notification to the appropriate District. Notification will be to the District Engineer according to *General Condition No. 13 (Federal Register, 65 FR 12894-12895)*. This notification shall be used to review the project for Federally listed threatened or endangered species and to determine if the project would have a minimal impact on the aquatic environment. The application will be coordinated with the Arkansas Department of Environmental Quality and other agencies as appropriate. This condition doesn't lessen the restrictions provided by General Condition 11 of the NWP's.

Nationwide Permit 27: Stream and Wetland Restoration Activities.

No Regional Conditions for this NWP in the State of Arkansas.

Nationwide Permit 39: Residential, Commercial, and Institutional Developments.

In the waters listed on page 4, the prospective permittee shall provide written notification to the appropriate District. Notification will be to the District Engineer according to *General Condition No. 13 (Federal Register, 65 FR 12894-12895)*. This notification shall be used to review the project for Federally listed threatened or endangered species and to determine if the project would have a minimal impact on the aquatic environment. The application will be coordinated with the Arkansas Department of Environmental Quality and other agencies as appropriate. This condition doesn't lessen the restrictions provided by General Condition 11 of the NWP's.

Nationwide Permit 40: Agricultural Activities.

In the waters listed on page 4, the prospective permittee shall provide written notification to the appropriate District. Notification will be to the District Engineer according to *General Condition No. 13 (Federal Register, 65 FR 12894-12895)*. This notification shall be used to review the project for Federally listed threatened or endangered species and to determine if the project would have a minimal impact on the aquatic environment. The application will be coordinated with the Arkansas Department of Environmental Quality and other agencies as appropriate. This condition doesn't lessen the restrictions provided by General Condition 11 of the NWPs.

Nationwide Permit 41: Reshaping Existing Drainage Ditches.

In the waters listed on page 4, the prospective permittee shall provide written notification to the appropriate District. Notification will be to the District Engineer according to *General Condition No. 13 (Federal Register, 65 FR 12894-12895)*. This notification shall be used to review the project for Federally listed threatened or endangered species and to determine if the project would have a minimal impact on the aquatic environment. The application will be coordinated with the Arkansas Department of Environmental Quality and other agencies as appropriate. This condition doesn't lessen the restrictions provided by General Condition 11 of the NWPs.

Nationwide Permit 42: Recreational Facilities.

In the waters listed on page 4, the prospective permittee shall provide written notification to the appropriate District. Notification will be to the District Engineer according to *General Condition No. 13 (Federal Register, 65 FR 12894-12895)*. This notification shall be used to review the project for Federally listed threatened or endangered species and to determine if the project would have a minimal impact on the aquatic environment. The application will be coordinated with the Arkansas Department of Environmental Quality and other agencies as appropriate. This condition doesn't lessen the restrictions provided by General Condition 11 of the NWPs.

Nationwide Permit 43: Stormwater Management Facilities.

In the waters listed on page 4, the prospective permittee shall provide written notification to the appropriate District. Notification will be to the District Engineer according to *General Condition No. 13 (Federal Register, 65 FR 12894-12895)*. This notification shall be used to review the project for Federally listed threatened or endangered species and to determine if the project would have a minimal impact on the aquatic environment. The application will be coordinated with the Arkansas Department of Environmental Quality and other agencies as appropriate. This condition doesn't lessen the restrictions provided by General Condition 11 of the NWPs.

Nationwide Permit 44: Mining Activities.

Mining activities in navigable waters designated by the Corps of Engineers within the State of Arkansas shall require an individual Department of the Army Permit or authorization by a Regional General Permit. These activities will not be authorized by NWP 44.

ALUM FORK SALINE RIVER - SALINE COUNTY

SPECIES OF CONCERN: ARKANSAS FAT MUCKET (LAMPSILIS POWELLII -LT)

ARKANSAS RIVER - IN THE FOLLOWING COUNTIES

CONWAY	PERRY
CRAWFORD	POPE
FAULKNER	PULASKI
JOHNSON	SEBASTIAN
LOGAN	YELL

*SPECIES OF CONCERN: INTERIOR LEAST TERN (STERNA ANTILLARUM ATHALASSOS -LE), ARKANSAS RIVER SHINER (NOTROPIS GIRARDI -LT, OF HISTORIC OCCURRENCE)

BAR LAKE - DESHA COUNTY

SPECIES OF CONCERN: BALD EAGLE (HALIAEETUS LEUCOCEPHALUS -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

BEAR LAKE - ARKANSAS AND PHILLIPS COUNTIES

SPECIES OF CONCERN: BALD EAGLE (HALIAEETUS LEUCOCEPHALUS -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

BIG LAKE - MISSISSIPPI COUNTY

SPECIES OF CONCERN: BALD EAGLE (HALIAEETUS LEUCOCEPHALUS -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

BILLY MOORE LAKE - DESHA COUNTY

SPECIES OF CONCERN: BALD EAGLE (HALIAEETUS LEUCOCEPHALUS -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

BLACK RIVER - CLAY, LAWRENCE, JACKSON, INDEPENDENCE AND RANDOLPH COUNTIES

SPECIES OF CONCERN: PINK MUCKET (LAMPSILIS ABRUPTA -LE)

[Black River from the mouth to the Arkansas/Missouri state line]

BUFFALO CREEK - POLK COUNTY

*SPECIES OF CONCERN: LEOPARD DARTER (PERCINA PANTHERINA-LT)

CACHE RIVER and ADJACENT WETLANDS from the mouth upstream to AR Highway 18 near Grubbs - Monroe, Woodruff and Jackson Counties

SPECIES OF CONCERN: Several species of mussels

CADDO RIVER - CLARK, MONTGOMERY AND PIKE COUNTIES

SPECIES OF CONCERN: ARKANSAS FAT MUCKET (LAMPSILIS POWELLII -LT)

COSSATOT RIVER - HOWARD AND SEVIER COUNTIES

SPECIES OF CONCERN: LEOPARD DARTER (PERCINA PANTHERINA-LT)

CURRENT RIVER - CLAY COUNTY

SPECIES OF CONCERN: PINK MUCKET (LAMPSILIS ABRUPTA -LE)

EAGLE NEST LAKE - DESHA COUNTY

SPECIES OF CONCERN: BALD EAGLE (HALIAEETUS LEUCOCEPHALUS -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

FIDDLER'S CREEK - MONTGOMERY COUNTY

SPECIES OF CONCERN: HARPERELLA (PTILIMNIUM NODOSUM -LE)

FOURCHE LAFAVE RIVER - SCOTT COUNTY

SPECIES OF CONCERN: HARPERELLA (PTILIMNIUM NODOSUM -LE)

GREERS FERRY LAKE - VAN BUREN COUNTY

SPECIES OF CONCERN: BALD EAGLE (HALIAEETUS LEUCOCEPHALUS -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

HORSESHOE LAKE - MONROE COUNTY

SPECIES OF CONCERN: BALD EAGLE (HALIAEETUS LEUCOCEPHALUS -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

IRONS FORK - MONTGOMERY AND YELL COUNTIES

SPECIES OF CONCERN: HARPERELLA (PTILIMNIUM NODOSUM -LE)

JACOBS LAKE/PECAN LAKE - ARKANSAS COUNTY

SPECIES OF CONCERN: BALD EAGLE (HALIAEETUS LEUCOCEPHALUS -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

LAKE ASHBAUGH - GREENE COUNTY

SPECIES OF CONCERN: BALD EAGLE (HALIAEETUS LEUCOCEPHALUS -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

LAKE ERLING - LAFAYETTE COUNTY

SPECIES OF CONCERN: BALD EAGLE (HALIAEETUS LEUCOCEPHALUS -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

LAKE GEORGIA PACIFIC - ASHLEY COUNTY

SPECIES OF CONCERN: BALD EAGLE (HALIAEETUS LEUCOCEPHALUS -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

LAKE MAUMELLE - PULASKI COUNTY

SPECIES OF CONCERN: BALD EAGLE (HALIAEETUS LEUCOCEPHALUS -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

LAKE OUACHITA - GARLAND COUNTY

SPECIES OF CONCERN: BALD EAGLE (HALIAEETUS LEUCOCEPHALUS -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

L'ANGUILLE RIVER - LEE COUNTY

SPECIES OF CONCERN: FAT POCKETBOOK (POTAMILUS CAPAX -LE)

LITTLE BAY DITCH - CRAIGHEAD COUNTY

SPECIES OF CONCERN: FAT POCKETBOOK (POTAMILUS CAPAX -LE)

LITTLE MISSOURI RIVER - CLARK AND OUACHITA COUNTIES

SPECIES OF CONCERN: WINGED MAPLELEAF (QUADRULA FRAGOSA -LE)

LITTLE RED RIVER - VAN BUREN COUNTY

SPECIES OF CONCERN: SPECKLED POCKETBOOK (LAMPSILIS STRECKERI -LE)

LITTLE RIVER - LITTLE RIVER AND SEVIER COUNTIES

SPECIES OF CONCERN: OUACHITA ROCK POCKETBOOK (ARKANSIA WHEELERI -LE),
PINK MUCKET (LAMPSILIS ABRUPTA -LE)

MIDDLE FORK SALINE RIVER - SALINE COUNTY

SPECIES OF CONCERN: ARKANSAS FAT MUCKET (LAMPSILIS POWELII -LT)
SALINE

MIDDLE FORK LITTLE RED - STONE AND VAN BUREN COUNTIES

SPECIES OF CONCERN: SPECKLED POCKETBOOK (LAMPSILIS STRECKERI -LE)

MILLWOOD LAKE - LITTLE RIVER COUNTY

SPECIES OF CONCERN: BALD EAGLE (HALIAEETUS LEUCOCEPHALUS -LT, PROPOSED
FOR DELISTING, NESTING OCCURRENCE)

**MISSISSIPPI RIVER - CHICOT, CRITTENDEN, DESHA, LEE, MISSISSIPPI, and PHILLIPS
COUNTIES**

SPECIES OF CONCERN: INTERIOR LEAST TERN (STERNA ANTILLARUM ATHALASSOS -
LE), PALLID STURGEON (SCAPHIRHYNCHUS ALBUS -LE)

MOON LAKE - DESHA COUNTY

SPECIES OF CONCERN: BALD EAGLE (HALIAEETUS LEUCOCEPHALUS -LT, PROPOSED
FOR DELISTING, NESTING OCCURRENCE)

MOORE BAYOU - ARKANSAS COUNTY

SPECIES OF CONCERN: BALD EAGLE (HALIAEETUS LEUCOCEPHALUS -LT, PROPOSED
FOR DELISTING, NESTING OCCURRENCE)

MOUNTAIN FORK RIVER - POLK COUNTY

SPECIES OF CONCERN: LEOPARD DARTER (PERCINA PANTHERINA - LT)

MUDDY CREEK - MONTGOMERY COUNTY

SPECIES OF CONCERN: HARPERELLA (PTILIMNIUM NODOSUM -LE)

NORTH FORK OUACHITA RIVER - GARLAND COUNTY

SPECIES OF CONCERN: HARPERELLA (PTILIMNIUM NODOSUM -LE)

NORTH FORK SALINE RIVER - SALINE COUNTY

SPECIES OF CONCERN: ARKANSAS FAT MUCKET (LAMPSILIS POWELLII -LT)

NORTH FORK WHITE RIVER - BAXTER COUNTY

SPECIES OF CONCERN: PINK MUCKET (LAMPSILIS ABRUPTA -LE)-HISTORIC OCCURRENCE

OSAGE CREEK - BENTON COUNTY

SPECIES OF CONCERN: ARKANSAS DARTER (ETHEOSTOMA CRAGINI - CANDIDATE)

OUACHITA RIVER and TRIBUTARIES - CALHOUN, CLARK, HOT SPRING, MONTGOMERY, OUACHITA, POLK COUNTIES

SPECIES OF CONCERN: OUACHITA ROCK POCKETBOOK (ARKANSIA WHEELERI -LE), PINK MUCKET (LAMPSILIS ABRUPTA -LE), ARKANSAS FAT MUCKET (LAMPSILIS POWELLII -LT), WINGED MAPLELEAF (QUADRULA FRAGOSA -LE)

POFF BRAKE - DREW COUNTY

SPECIES OF CONCERN: BALD EAGLE (HALIAEETUS LEUCOCEPHALUS -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

RED RIVER - LAFAYETTE, LITTLE RIVER, AND MILLER COUNTIES

SPECIES OF CONCERN: INTERIOR LEAST TERN (STERNA ANTILLARUM ATHALASSOS -LE)

ROBINSON CREEK - POLK AND SEVIER COUNTIES

SPECIES OF CONCERN: LEOPARD DARTER (PERCINA PANTHERINA-LT)

SALINE RIVER - ASHLEY, BRADLEY, GRANT, HOWARD and SALINE COUNTIES

SPECIES OF CONCERN: ARKANSAS FAT MUCKET (LAMPSILIS POWELLII -LT), PINK MUCKET (LAMPSILIS ABRUPTA -LE)

SOUTH FORK OUACHITA RIVER - MONTGOMERY COUNTY

SPECIES OF CONCERN: ARKANSAS FAT MUCKET (LAMPSILIS POWELLII -LT)

SOUTH FORK SALINE RIVER - SALINE COUNTY

SPECIES OF CONCERN: ARKANSAS FAT MUCKET (LAMPSILIS POWELLII -LT)

SOUTH FORK SPRING RIVER - FULTON COUNTY

SPECIES OF CONCERN: CURTIS PEARLY MUSSEL (EPIOBLASMA FLORENTIA CURTISI -LE, HISTORIC OCCURRENCE)

SPRING RIVER - FULTON, LAWRENCE, RANDOLPH AND SHARP COUNTIES

SPECIES OF CONCERN: BALD EAGLE (HALIAEETUS LEUCOCEPHALUS -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE, CURTIS PEARLY MUSSEL (EPIOBLASMA FLORENTIA CURTISI -LE, HISTORIC OCCURRENCE), PINK MUCKET (LAMPSILIS ABRUPTA -LE)

ST. FRANCIS RIVER SYSTEM and associated ditches - CROSS, LEE, POINSETT AND ST. FRANCIS COUNTIES

SPECIES OF CONCERN: FAT POCKETBOOK (POTAMILUS CAPAX -LE), PALLID STURGEON (SCAPHIRHYNCHUS ALBUS -LE)

SWAN LAKE - DESHA COUNTY

SPECIES OF CONCERN: BALD EAGLE (HALIAEETUS LEUCOCEPHALUS -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE

WHITE RIVER - ARKANSAS, BAXTER, CARROLL, INDEPENDENCE, JACKSON, MARION, MONROE, PRAIRIE, WHITE AND WOODRUFF COUNTIES

SPECIES OF CONCERN: PINK MUCKET (LAMPSILIS ABRUPTA -LE), BALD EAGLE (HALIAEETUS LEUCOCEPHALUS -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE

IN ADDITION TO THE ABOVE WATERBODIES, THE FOLLOWING FEDERAL CONCERN SPECIES ARE KNOWN TO OCCUR IN VARIOUS WETLAND AREAS, OR CAVE STREAMS:

PONDBERRY (LINDERA MELISSIFOLIA - LE)

ASHLEY

CLAY

JACKSON

LAWRENCE

WOODRUFF

OZARK CAVEFISH (AMBLYOPSIS ROSAE - LT)

BENTON

CAVE CRAYFISH (CAMBARUS ACULABRUM - LE)

BENTON

CAVE CRAYFISH (CAMBARUS ZOPHONASTES -LE)

STONE

Legend:

LE = Listed Endangered; the U.S. Fish and Wildlife Service has listed these species as endangered under the Endangered Species Act.

LT = Listed Threatened; the U.S. Fish and Wildlife Service has listed these species as threatened under the Endangered Species Act.

REGIONAL CONDITIONS FOR WATER QUALITY CERTIFICATION

Water Quality Certification for the new and modified Nationwide Permits in the State of Arkansas was issued unconditionally.